

### REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-25 are pending in this application. Claims 1, 19, 23, and 24 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-25 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. patent 6,756,175 to Emoto et al. (herein "Emoto"). Claims 1-25 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 11 and 3 of co-pending U.S. application nos. 10/960,084 and 10/793,320.

Addressing first the rejection of claims 1, 19, 23, and 24 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Each of claims 1, 19, 23, and 24 is herein amended to now only make one reference to fine particles, to clarify the language therein. The amendments to claims 1, 19, 23, and 24 are believed to address the rejections thereto under 35 U.S.C. § 112, second paragraph.

Addressing now the rejection of claims 1-25 under 35 U.S.C. § 103(a) as unpatentable over Emoto, that rejection is traversed by the present response.

Applicants respectfully submit the claims distinguish over the teachings in Emoto. More particularly, the claims are directed to a dry toner that includes a base toner particle. That base toner particle includes a toner core and ***organic fine particles on the surface of the toner core***. The toner core in turn includes a toner binder, a colorant, and wax, wherein the wax is concentrated in the vicinity of the surface of the toner core.

Thereby, in the toner of the claimed invention the wax is concentrated in the vicinity of a surface of the toner core, and the ***organic fine particles adhere to the surface of the toner core*** to form a base toner particle. Further, the charge control agent adheres to the surface of the base toner particle, and the external additive is disposed on the surface of the resulting article.

Such a claim structure of toner achieves objectives of the present invention. Specifically, since the organic fine particles adhere to the surface of the toner core, the wax can bleed out only in an image fixing procedure. Thus, when the toner is exposed to an external force or a strain such as stirring in a developing device, deterioration in charging ability of the toner due to wax bleeding from the toner surface can be prevented. Such a base toner particle can also be prepared by, for example, dissolving or dispersing materials for the toner core other than the organic fine particles in an organic solvent, and dispersing the solution or dispersion into an aqueous medium containing the organic fine particles, as discussed for example in the present specification at page 43, lines 15-22.

Emoto discloses a toner including a releasing agent, wherein the releasing agent particles are uniformly dispersed inside the toner particles, see for example claim 8. Further, Emoto discloses a wax as the releasing agent existing in the vicinity of the surface of the toner particles, as shown in Figure 5. However, Emoto differs from the claims as currently written as Emoto does not disclose or suggest organic fine particles on the surface of the toner particle.

Moreover, the toner of Emoto is prepared by dissolving or dispersing a toner composition that contains at least a modified polyester resin and a colorant, in an organic solvent, followed by granulating the composition in an aqueous medium. However, Emoto does not disclose or suggest that the aqueous medium may contain organic fine particles.

In such ways, the claims as written are believed to distinguish over the teachings in Emoto.

Addressing now the rejection of claims 1-25 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 11 and 3 of co-pending U.S. applications 10/960,084 and 10/793,320, those rejections are also traversed by the present response.

First, applicants note the above-noted rejections are obviated by the present response in view of the presently submitted amendments by the present response.

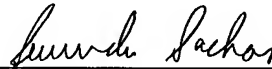
Applicants also note the outstanding rejections are only provisional rejections based on co-pending applications, which can also be addressed in the co-pending applications if still maintained in the future.

In view of these foregoing comments, applicants respectfully submit the claims as currently written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
GJM/SNS:sjh

\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599  
Surinder Sachar  
Registration No. 34,423  
Attorneys of Record

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